

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COPRAGRI S.A.,

Petitioner,

20 Civ. 5486 (LGS)

-against-

ORDER

AGRIBUSINESS UNITED DMCC,

Respondent.

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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on March 15, 2021, the Court issued an Order and Opinion vacating an arbitration award allegedly issued by the Society of Maritime Arbitrators, Inc., on the grounds that the arbitrators acted outside the scope of their authority and disregarded the law on arbitrability and jurisdiction. Dkt. No. 26.

WHEREAS, the Court received the letter attached as Exhibit A and dated March 22, 2021, from Nigel J. Hawkins, President of the Society of Maritime Arbitrators, Inc., stating that “[t]he SMA does not administer arbitrations,” and “none of the three persons who signed the award are members of the SMA.” It is hereby

ORDERED that by **April 15, 2021**, Petitioner shall file a responsive letter. The identity of the arbitrators and their affiliations with any entities specializing in arbitrations does not impact the outcome of the Court’s March 15, 2021, Order and Opinion because the arbitrators responsible for the subject award entirely disregarded Petitioner’s five objections. *See* Dkt. No. 26. However, the Court seeks clarity to ensure the accuracy of its factual findings based on Petitioner’s unopposed petition to vacate the award.

Dated: April 9, 2021
New York, New York

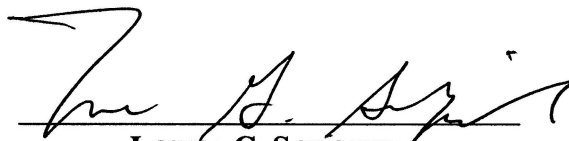

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE



EXHIBIT A

March 22, 2021

Honorable Lorna G. Schofield
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Copragri S.A. v. Agribusiness United DMCC - 1:20-cv-05486-LGS

Dear Judge Schofield:

I am the President of the Society of Maritime Arbitrators, Inc. (SMA) in New York, www.smany.org, a not-for-profit association of independent arbitrators and mediators who have met the requirements for membership and been admitted into membership.

I refer to your Opinion and Order dated 15 March 2021 in the referenced action in which you vacated an arbitration award. Your decision states that the SMA "issued" the award and to the arbitrators as "SMA" arbitrators. The SMA does not administer arbitrations, and none of the three persons who signed the award are members of the SMA. Nor are any of them known to us as arbitrators conducting proceedings here in New York.

Please be assured that neither the SMA nor any of its members had any hand in this purported "award."

Unfortunately, however, as of this writing, at least two legal newsletters (Law360 and Lexis) have described your ruling as one "vacating a Society of Maritime Arbitrators award."

We respectfully request that you revise your decision 1) so as not to refer to the award as one "issued" by the SMA and 2) so as not to refer to the arbitrators as "SMA" arbitrators.

Since its formation in 1963, SMA arbitrators have been appointed in thousands of disputes by parties around the world. There are over 4,000 published awards in the SMA Awards service which are available on Lexis and Westlaw. During this period SMA arbitrators have enjoyed the support and confidence of the judges of the Southern District of New York. Judges Haight and Preska have authored prefaces to the SMA Rules Book which is published from time to time.

Thank you for your time in considering this letter and for the service of you and your colleagues.

Very truly yours,

A handwritten signature in dark ink that reads "Nigel J. Hawkins". The signature is written in a cursive, slightly stylized script.

Nigel J. Hawkins

Cc: Patrick F. Lennon
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